

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**MAURICE L. WHYTE,**  
**Plaintiff**

**v.**

**C.O. ROCKEY, et al.,**  
**Defendants**

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**No. 1:21-cv-00124**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 15th day of July 2021, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 36) is **GRANTED IN PART** and **DENIED IN PART**, as follows:
  - a. The motion (Doc. No. 36) is **DENIED** as to the following claims for damages: (1) Plaintiff's First Amendment retaliation claim against Defendants Irwin, Hite, and Woods; (2) Plaintiff's Fourteenth Amendment equal protection claim against Defendants Irwin, Hite, and Woods; and (3) Plaintiff's Fourth Amendment claim against Defendants Millinder, Murphy, and Rockey alleging that the strip search occurred in full view of other inmates and staff members;
  - b. The motion (Doc. No. 36) is **GRANTED** as to all other claims asserted by Plaintiff, including her claims for injunctive relief. Plaintiff may not file a second amended complaint in this matter;
2. Because the Court has disposed of all of Plaintiff's claims against Defendant Folk, the Clerk of Court is directed to terminate Folk as a Defendant in the above-captioned action;
3. Plaintiff's letter (Doc. No. 38), construed as a motion to appoint counsel, is conditionally **GRANTED**. The Clerk of Court shall forward a copy of this Order to the Chair of the Federal Bar Association's Pro Bono Committee, Michael A. O'Donnell, Esq., O'Donnell Law Offices, 267 Wyoming Ave., Kingston, Pennsylvania, 18704, for the purpose of obtaining counsel for Plaintiff; and

4. All filing obligations and other deadlines are **STAYED** for forty-five (45) days while Attorney O'Donnell attempts to find counsel to represent Plaintiff. Plaintiff is advised that if the Court is unable to find counsel to represent her, she will be required to continue with her case pro se.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania